



**IT IS ORDERED as set forth below:**

**Date: July 31, 2023**

*Paul Baisier*

**Paul Baisier**  
**U.S. Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In re:	:	
	:	
<b>GLENN JEFFREY DACRUZ,</b>	:	<b>CASE NO. 22-59731-PMB</b>
	:	
Debtor.	:	<b>CHAPTER 7</b>
	:	
<b>JENNIFER R. DACRUZ,</b>	:	
	:	
Movant,	:	
	:	
v.	:	<b>CONTESTED MATTER</b>
	:	
<b>THE BANK OF NEW YORK MELLON</b>	:	
<b>FKA THE BANK OF NEW YORK</b>	:	
<b>SUCCESSOR INDENTURE TRUSTEE</b>	:	
<b>TO JPMORGAN CHASE BANK, N.A.,</b>	:	
<b>AS INDENTURE TRUSTEE ON</b>	:	
<b>BEHALF OF THE NOTEHOLDERS</b>	:	
<b>OF THE CWHEQ INC., CWHEQ</b>	:	
<b>REVOLVING HOME EQUITY LOAN</b>	:	
<b>TRUST, SERIES 2005-H,</b>	:	
And	:	
<b>GLENN JEFFREY DACRUZ, Debtor,</b>	:	
<b>And S. Gregory Hays, Chapter 7 Trustee,</b>	:	
	:	
Respondents.	:	

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**ORDER GRANTING MOTION TO INTERVENE AND GRANTING  
MOTION TO RECONSIDER AND REIMPOSING AUTOMATIC STAY  
AND NOTICE OF HEARING ON MOTION FOR RELIEF FROM STAY**

This matter comes before the Court on the *Amended Motion to Intervene* filed by Movant named above, Jennifer R. Dacruz (the “Movant”) who is pro se, on June 29, 2023 (Docket No. 42)(the “Motion to Intervene”).<sup>1</sup> Also before the Court is the *Emergency Motion to Reconsider Order Granting Motion for Relief* filed by the Movant on June 29, 2023 (Docket No. 43) as amended by the *Amended Emergency Motion to Reconsider* filed by the Movant on July 21, 2023 (the “Motion to Reconsider”)(Docket No. 49). In the Motion to Intervene and the Motion to Reconsider, The Bank Of New York Mellon FKA The Bank Of New York Successor Indenture Trustee To JPMorgan Chase Bank, N.A., As Indenture Trustee On Behalf Of The Noteholders Of The CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-H (the “Bank”), the Debtor herein, Glenn Jeffrey Dacruz (the “Debtor”), and S. Gregory Hays, Chapter 7 Trustee (the “Chapter 7 Trustee”) are named as Respondents. A virtual hearing on the Motion to Intervene and the Motion to Reconsider was held on July 31, 2023 (the “Hearing”), at which time the Court heard from the Movant, the Debtor, and counsel for the Chapter 7 Trustee.<sup>2</sup>

At issue is the *Order Modifying Stay* entered on June 15, 2023 (Docket No. 36)(the “Order Modifying Stay”), in which the Court granted the *Motion for Relief from Automatic Stay* filed by the Bank on March 10, 2023 (the “Motion for Relief”)(Docket No. 25). The Motion for Relief was scheduled for hearing on April 3, 2023, and reset to June 12, 2023 at which time it was heard. Neither the Debtor nor the Debtor’s counsel nor the Chapter 7 Trustee voiced any opposition to the Motion for Relief.

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<sup>1</sup> The Motion amends the *Motion to Intervene* filed by the Movant on June 28, 2023, at Docket No. 41.

<sup>2</sup> The Bank did not appear at the Hearing.

Based on a review of the docket and the argument of the parties as offered at the Hearing, the Court hearing no opposition to the Motion to Intervene or the Motion to Reconsider, and the Court finding that the Movant did not receive notice of the hearing on the Motion for Relief and the Court further finding that because there is equity in the underlying real property as defined in the Order Modifying Stay of at least \$100,000, such that the Bank would not have been entitled to relief from stay due to the presence of adequate protection of its interest, and for the reasons stated on the record, which are adopted and incorporated herein, it is

**ORDERED** that the Motion to Intervene is **GRANTED**; and it is further

**ORDERED** that the Motion to Reconsider is **GRANTED**; and it is further

**ORDERED** that the Order Modifying Stay is **VACATED** and the automatic stay of 11 U.S.C. § 362(a) is **REIMPOSED** as to the Bank. It is further

**ORDERED AND NOTICE IS HEREBY GIVEN** that if the Bank desires to pursue relief from the automatic stay in this case, it may appear and assert its argument for such relief as the Court will hold a hearing regarding the Motion for Relief on the **5th day of September, 2023, commencing at 1:00 P.M. in Courtroom 1202, at the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303**, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov), or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until

the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

The Clerk is directed to serve a copy of this Order upon the Debtor, counsel for the Debtor, the Movant, counsel for the Bank, and the Chapter 7 Trustee.

**[END OF DOCUMENT]**